

Dealer Smog Requirements

Smog Requirements

Car dealers must ensure the smog inspection requirements are satisfied **prior** to delivering a vehicle to a customer.

A smog certification is **required** on original transactions for **1976 and newer model year vehicles** and on transfer transactions for **1976 model year and newer through five model year old vehicles** (vehicles four model years old or less are exempt from transfer smog requirements), per *California Vehicle Code* (CVC) §4000.1(d)(6), 4000.1(d)(7) 4456(a)(2), 11713(i), 24007(a), and 24007(b)(1).

Licensed car dealers may obtain a smog certificate for the sale of a vehicle up to two years in advance of the sale date, per *Health and Safety Code* (H & S) §44015(f).

Used car dealers who sell vehicles prior to satisfying the smog inspection requirements are subject to an administrative action of a suspension or revocation of their occupational license, and the payment of substantial fines.

Non-Compliance Penalties

- Non-compliance with dealer smog certification requirements could result in administrative action to suspend or revoke occupational licensure. [CVC §11705(a)(8) & (10)]
- Persons found in violation of the Air Resources Board requirements may be subject to additional fines for each day in which the violation occurs. (H & S §39674)
- Administrative action may also subject a dealer to substantial fines. Fines range from \$15 to \$750 per violation.[*California Code of Regulations* (CCR) §314(a)(1) & (2)]

Background

It has come to the Department of Motor Vehicles attention that some vehicle dealers are selling vehicles prior to satisfying the smog inspection requirements. Dealers who sell vehicles that have not satisfied the smog certification requirement cause the consumer undue hardship and subject the dealership to enforcement action.

Dealer smog certification requirements and exemptions are listed in Chapter 21 of the *Handbook of Registration Procedures* (formerly the *Dealer's Handbook*). The handbook is available on the DMV website, at: www.dmv.ca.gov/pubs/reg_hdbk_pdf/toc.htm

Distribution

Notification that this memo is available online, at www.dmv.ca.gov/pubs/olin/olin.htm was made via e-mail alert in January 2009 to the following:

- Dealers
- Registration Services

- Lessor retailers

Contact

Questions regarding this memo may be directed to DMV Customer Communications Unit, at (916) 657-6560.

A handwritten signature in black ink, appearing to read "Mary Garcia". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

MARY GARCIA, Chief
Occupational Licensing